

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2012.03
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	March 10, 2003
DATE OF REPORT:	April 10, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 25, 2003

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation and the Anderson Community Special Education Cooperative violated:

511 IAC 7-21-8(a) by failing to properly administer medication to the student.

511 IAC 7-27-7(b)(1)(2) and (3) by failing to have the student's teacher of record (TOR) monitor the implementation of the student's individualized education program (IEP), provide technical assistance and consultation to all school personnel interacting with the student, and be responsible for all other activities identified in 511 IAC 7-17-72.

511 IAC 7-26-2(d) by failing to ensure that all professional and paraprofessional staff serving the student have received specialized training in autism spectrum disorder, specifically, Asperger's syndrome.

511 IAC 7-27-7(a) by failing to implement the Student's IEP as written, specifically, by not providing special education and related services in the homebound setting.

FINDINGS OF FACT:

1. The Student is 14 years of age, attends the local high school (the School), and qualifies for special education and related services as a student with autism spectrum disorder.
2. The Complainant asserts that the School did not properly administer medication to the Student on December 6, 2002. The School administered the Student's two prescription medications at 10:30 am and 2:25 pm, according to the medication administration logs maintained by the School's nurse. The student's doctor had provided written orders for the School to administer the second dose of medications for the day when the Student arrived at school in the morning between 8:30 am and 9:00 am, four hours after taking the initial medication doses for the day at the Student's home. The School was to repeat the doses four hours later. The logs show that on December 6, 2002, medication was administered two hours later than the usual times of administration. On December 6, 2002, the School attendance log indicates the Student arrived at school two hours after the start of classes. The School's medication administration sheet indicates that the medication was administered in accordance with the delayed schedule the Student was on for both school arrival and for proper spacing of medication doses while at school.

3. The Complainant has maintained that the Student's TOR has not fulfilled the following required responsibilities:
 - a. Monitor the implementation of the student's IEP: The TOR has provided written documentation of monitoring activities as follows: Gathered copies of midterm grades from each teacher each 6 weeks; maintained a weekly team planning log of meetings to discuss the Student's progress and plan for instruction and other interventions to meet IEP goals; arranged CCC meetings fall semester of 2002 for August 29, October 10 and 23, November 13 and December 9, 2002; updated IEP goal forms for date and record of progress each 6 weeks; and maintained a log of assistance provided to the Student in the resource room .
 - b. Provide technical assistance and consultation to all school personnel interacting with the student: The TOR has provided documentation of such technical assistance and consultation as follows: Weekly team planning logs; and folders of specific information provided to each of the Student's teachers at the beginning of the semester regarding accommodations, behavior plans and goals, the Student's TOR, how to access the current and past IEPs; and information on how to work with students with autism spectrum disorders.
 - c. Be responsible for all other activities identified in 511 IAC 7-17-72: The TOR has maintained a dated log of conferences with the Student during school hours; met with all personnel working with the Student during the school year; and provided inservice training for other staff members.
4. The School has provided annual training across the spectrum of autism disorders, including Asperger's syndrome, for teachers and aides who have been assigned to the Student. The Autism Consultant for the School has sent professional literature to the staff working with students served in special education program for autism spectrum disorder throughout each school year. The TOR has maintained a log of consultations throughout each year provided by the Autism Consultant to the staff, regarding specific students in their classes, including the Student. The TOR has also maintained a log of participants for each training activity, as well as sign-up sheets that documented participation by the teachers and aides for each annual training. Trainings for the last three years were as follows:
 - October 4, 2000: presented by an outside psychologist specializing in students who have autism spectrum disorders;
 - August 21, 2001: presented by the director of a statewide university affiliated center for education in autism, including Asperger's syndrome;
 - October 11, 2002: a specialized training program for teachers of students with autism spectrum disorders, attended by the Student's TOR;
 - November 5, 2002: Autism inservice presented by the Autism Team from the local school district;
 - November 2002: The Autism Consultant provided individual training for an aide employed in the Student's classroom subsequent to the previous training sessions, including the following: Technical assistance; a packet of information that included teaching tips, characteristics of students with autism spectrum disorder, brochures, and articles related to autism; a booklet entitled *Autism Facts*; and a book entitled *How to Be an Effective Para-Pro*.
5. The Complainant maintains that the School did not provide homebound instruction approved by the CCC on May 1, 2002, to be provided two times per week to the end of the school year. The School had agreed to provide homebound instruction for the Student at a specified location and time, and agreed to provide transportation. The log completed by the teacher of homebound instruction (the Teacher) indicated that the Student only attended one of the seven scheduled sessions. The Teacher logged the dates and times she waited for the Student to arrive at the location and the date she provided instruction for the Student. The Complainant phoned the Teacher on May 23, 2002, and indicated they were in another city, and the Student had missed the previous week due to a sunburn. No other information was provided by the Complainant to the Teacher regarding the other absences. The Student has a pattern of frequent

absences over the school years that has resulted in the School filing two affidavits of truancy with the local court during the 2002 to 2003 school year. The Student was subsequently removed from the Complainant's home under a Child in Need of Services (CHINS) order.

CONCLUSION

1. Findings of Fact # 2 indicates that the School administered the Student's medications according to the instructions provided by the Student's doctor with regard to the proper length of time between administration of doses of medications prescribed for the Student. Therefore, no violation of 511 IAC 7-21-8(a) is found for failing to properly administer medication to the student.
2. Findings of Fact # 3 indicates that the Student's TOR has monitored the implementation of the student's IEP, provided technical assistance and consultation to all school personnel interacting with the student, and has been responsible for all other activities identified in 511 IAC 7-17-72. Therefore, no violation of 511 IAC 7-27-7(b)(1)(2) and (3) is found.
3. Findings of Fact # 4 reflects that the School has provided specialized training each year to all professional and paraprofessional staff serving the student in the area of autism spectrum disorder, specifically, Asperger's syndrome. Therefore, no violation of 511 IAC 7-26-2(d) is found.
4. Findings of Fact # 5 indicates that the School did make special education and related services available as homebound services, but the Complainant did not attend the sessions provided by the School, although transportation was provided. Therefore, no violation of 511 IAC 7-27-7(a) is found for failing to implement the Student's IEP as written, specifically, for not providing special education and related services in the homebound setting.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.